

House Bill 283 (AS PASSED HOUSE AND SENATE)

By: Representatives Martin of the 47th, Harbin of the 118th, Oliver of the 83rd, Smith of the 113th, and Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To revise provisions relating to financing and operations of the judicial branch of
2 government; to amend Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia
3 Annotated, relating to general provisions pertaining to certiorari and appeals to appellate
4 courts generally, so as to change certain provisions relating to filing fees for appeals to the
5 Supreme Court and the Court of Appeals; to amend Article 1 of Chapter 19 of Title 15 of the
6 Official Code of Georgia Annotated, relating to general provisions relating to attorneys, so
7 as to change provisions relating to the expenses of the board and the amount and disposition
8 of examination fees; to provide for related matters; to provide an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
13 general provisions pertaining to certiorari and appeals to appellate courts generally, is
14 amended by revising Code Section 5-6-4, relating to a bill of costs, payment of costs, filing
15 of an affidavit of indigence, and payment of costs or filing of an affidavit as a prerequisite
16 to the receipt of an application for appeal or brief by the clerk, as follows:

17 "5-6-4.

18 The bill of costs for every application to the Supreme Court for a writ of certiorari or for
19 applications for appeals filed in the Supreme Court or the Court of Appeals or appeals to
20 the Supreme Court or the Court of Appeals shall be \$80.00 in criminal cases and in habeas
21 corpus cases for persons whose liberty is being restrained by virtue of a sentence imposed
22 against them by a state court and \$300.00 in all other civil cases. The costs shall be paid
23 by counsel for the applicant or appellant at the time of the filing of the application or, in
24 the case of direct appeals, at the time of the filing of the original brief of the appellant. In
25 those cases in which the writ of certiorari or an application for appeal is granted, there shall
26 be no additional costs. Costs shall not be required in those instances when at the time the

same are due counsel for the applicant or appellant shall file a statement that an affidavit of indigence has been duly filed or file an affidavit that he or she was appointed to represent the defendant by the trial court because of the defendant's indigency. The clerk is prohibited from receiving the application for appeal or the brief of the appellant unless the costs have been paid or a sufficient affidavit of indigence is filed or contained in the record."

SECTION 2.

Article 1 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relating to attorneys, is amended by revising Code Section 15-19-2, relating to the rules of governing the Board of Bar Examiners, expenses of the board, and the amount and disposition of examination fees, as follows:

"15-19-2.

(a) It shall be the duty of the Justices of the Supreme Court to appoint and fix the number, terms, and compensation of the Board of Bar Examiners, whose powers and duties shall be as set forth by the Supreme Court by rule. All salaries, fees, and other expenses incurred in administering the Board of Bar Examiners and the examinations conducted by the board shall be paid by the Supreme Court ~~from an appropriation made to the Supreme Court for that purpose.~~

(b) ~~All fees paid by applicants for admission to the bar by examination shall be paid into the general funds of the treasury.~~ The Supreme Court, upon recommendation by the board, shall by rule set the amount of the examination fee to be paid by the applicants for admission to the bar by examination and shall direct to whom and when the fee shall be paid. The examination fee shall be reasonable and shall be determined in such a manner that the total amount of the fees charged and collected by the board in each fiscal year shall approximate the direct and indirect costs ~~to the state~~ of administering the examination. ~~The amount of the fee to be paid by the applicant shall not exceed \$90.00."~~

SECTION 3.

Section 1 of this Act shall become effective on July 1, 2009, and Section 2 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.